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PTO/SB/64 (01-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
06326USA

First named inventor: John Joseph Rabasco

Application No.: 10/620,654

Art Unit: 4174

Filed: July 16, 2003

Examiner: Freeman, John D.

Title: Polymer Emulsion for Cellulosic Substrates with Improved Barrier Properties

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1540 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Statement (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/07/2008 WRSFAW2 00000020 10620654

03 FC:1453

1540.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Russell Brewer
Signature

May 3, 2008

Date

Russell Brewer

Typed or printed name

25,073

Registration Number, if applicable

2890 Fairfield Drive

Address

610-437-1640

Telephone Number

Allentown, PA 18103

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: Copy of Prior Terminal Disclaimer Acceptance

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 3, 2008

Date

Russell Brewer
Signature

Russell Brewer

Typed or printed name of person signing certificate



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed, appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23543 7590 01/08/2008

AIR PRODUCTS AND CHEMICALS, INC.

PATENT DEPARTMENT

7201 HAMILTON BOULEVARD

ALLENTOWN, PA 181951501

05/07/2008 WASFAW2 00000020 10620654

01 FC:1501
02 FC:1504

1440.00 OP
300.00 OP

Note: A certificate of mailing can only be used for domestic mailings (Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|------------------------|
| _____ (Depositor's) |
| _____ (Sig) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION N |
|-----------------|-------------|----------------------|---------------------|----------------|
| 10/620,654 | 07/16/2003 | John Joseph Rabasco | 06326 USA | 1421 |

TITLE OF INVENTION: POLYMER EMULSION COATINGS FOR CELLULOSIC SUBSTRATES WITH IMPROVED BARRIER PROPERTIES

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1440 | \$300 | \$0 | \$1740 | 04/08/2008 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| FREEMAN, JOHN D | 4174 | 428-510000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

| | |
|---|-------|
| 1 | _____ |
| 2 | _____ |
| 3 | _____ |

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Air Products Polymers L.P.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit an overpayment, to Deposit Account Number _____ (enclose an extra copy of this form)

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Russell Brewer

Russell Brewer

Date

May 3, 2008

Typed or printed name

Registration No.

25,073

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/620,654 : Confirmation No.: 1421
Applicant : Rabasco, et al
Filed : July 16, 2003
For : Polymer Emulsion Coatings For Cellulosic Substrates
With Improved Barrier Properties

Art Unit : 4174
Examiner : Freeman, John D.
Docket No. : 06326 USA
Customer No. : 23543

| | | |
|---|---|---|
| <input type="checkbox"/> CERTIFICATE OF FACSIMILE TRANSMISSION I CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW. _____ PTO Fax No. | <input checked="" type="checkbox"/> CERTIFICATE OF MAILING I CERTIFY THAT THIS PAPER (ALONG WITH ANY PAPER REFERRED TO AS BEING ATTACHED OR ENCLOSED) IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 | <input checked="" type="checkbox"/> CERTIFICATE OF ELECTRONIC FILING TRANSMISSION I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING ELECTRONICALLY TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW. |
| <p style="text-align: center;">_____ Type or print name of person submitting paper) <i>Russell Brewer</i> Signature of person submitting paper <i>May 8, 2003</i> Date</p> | | |

Commissioner for Patents

PETITION UNDER 37 CFR 1.137(b)

The following is responsive to the Office Action dated January 8, 2008:

- ☐ A *insert length of time* extension of time is requested and authorization to charge the Account of assignee is provided in an enclosed form.
- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of claims which begins on page _____ of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet(s).
- ☐ **Amendments to the Abstract** are on page _____ of this paper. A clean version of the Abstract is enclosed.
- ☒ **Remarks/Arguments** begin on page 2 of this paper.

STATEMENT REGARDING UNINTENTIONAL ABANDONMENT OF APPLICATION

This petition is filed under 37 CFR 1.137(b) on the basis that the above-captioned application became abandoned by virtue of failing to make a timely payment of the issue fee which was due April 8, 2008. That Applicants' failure to make the timely payment was unintentional, which unintentional failure is supported by the statements below:

1. that the business area, which controls the subject matter of the above-captioned application, was sold recently and all matters of prosecution, etc. were assigned to the new owner;

2. that Applicants' attorney in working with Wacker Polymers of Wacker Chemie AG, the new owner, noted the issue fee payment due date of April 8, 2008 and had completed the form for mailing to the USPTO;

3. that Applicants' attorney advised that a check in the amount of \$1740 should be drawn payable to the Director of the United States Patent and Trademark Office in view of the fact that a deposit account had not been established;

4. that instructions were given that the check, when drawn, should be mailed along with the Fee Transmittal form PTOL-85 completed by Applicants' attorney per instructions on the attached form as Wacker Polymers was to handle processing;

5. that a check request was made well prior to the April 8, 2008 due date, i.e. the request being made with final approval of March 28, 2008 (refer to Exhibit 1)

6. that an e-mail subsequently was sent to Dr. Bott dated April 2, 2008 indicating there was a vendor problem in the check request (The address for the vendor was different from the address in their approved list. The address in the approved list was that for the USPTO deposit account of the prior owner) (refer Exhibit 2);

7. that in a follow-up discussion between Applicants' attorney and Dr. Bott, who was responsible for patent matters within Wacker Polymers, it was learned that the check for

the issue and publication fee had been delayed because of the vendor discrepancy and that the check instead of being mailed earlier may have been mailed either April 7 or April 8, 2008;

8. that in mid April, and later in April, Applicants' attorney called the USPTO Applicants Branch in an effort to determine whether payment for the above-captioned was timely or not and was informed by USPTO staff that there was no record of payment or posting since February 2008;

9. that Applicants' attorney then asked Wacker Polymers' staff to find out if the check mailed to the USPTO had been cashed and was informed that they would not know for at least a month since another company was handling payments;

10. that a letter dated April 23, 2008 was sent by the USPTO to Wacker Polymers with the issue fee check enclosed, the letter indicating there was insufficient information to process the check, i.e., the Fee Transmittal form PTOL-85 did not accompany the check (Exhibit 3);

11. that Applicants attorney subsequently was advised of the letter of April 23, 2008 from the USPTO to Wacker Polymers and thus of the non payment of the issue fee for the above-captioned application;

12. that Applicants' attorney also has been advised of the apparent loss of the original and signed Fee Transmittal form to the USPTO (PTOL-85) and thus has completed another form;

13. that a terminal disclaimer had been filed and approved in this case thus abrogating the need for another terminal disclaimer that normally would accompany this Petition to Revive (Exhibit 4);

14. that the original check in the amount of \$1740 for payment of the issue and publication fee is enclosed;

15. that a check in the amount of \$1540 to be applied to the Petition to Revive is enclosed;

16. that Applicants' attorney submits the abandonment of the above-captioned application was unintentional and occurred because of internal confusion associated with the processing of checks, which were payable to the Director of United States Patent and Trademark Office, and in the subsequent handling of documents.

Respectfully submitted,


Russell Brewer

Attorney for Applicants
Registration No. 25,073
Phone (610)-437-1640

| | | | | | |
|----------------------------------|--|--------------------------|---|----------------|------------------|
| AMOUNT REQUESTED | 1,740.00 | INVOICE REFERENCE NUMBER | 06326 | INVOICE DATE | 08 January, 2008 |
| COMPANY CODE | US61 - Air Products Polymers (APP) | | CURRENCY | USD-US Dollars | |
| SAP VENDOR NUMBER | 40010193 | VENDOR NAME | Director, United States Patent and Trademark Office | | PAYMENT TERMS |
| VENDOR-SUPPLIER REMIT TO ADDRESS | Mail Stop ISSUE FEE Commissioner for Patents P. O. Box 1450 Alexandria, Virginia 22313-1450 <div style="text-align: right;">NON-TAXABLE</div> | | | | |
| JUSTIFICATION | Issue and Publication fee reference #10\620,654 | | | | |

NOT ready for approval. Form contains the following error:
Verify that no other purchasing payment method can be used.

Refer to SP 04-0202C, "Check Requests" for the required approval signatures for this payment request.

If you would like to see the status of a payment, please use FBL1N. Instructions are here.

send completed form and supporting documentation to the Disbursements/Imaging mail code A31E1 or submit directly to the Scanning email address: scanning@airproducts.com with the words "Approval Daily Priority" in the subject line. Please do not hand-deliver to the Disbursements area.

Exhibit 1

Fink, Patricia E.

From: Fallon, James P. on behalf of Vendor Discrepancies
Sent: Wednesday, April 02, 2008 4:33 PM
To: Bott, Richard H.
Cc: Scanning
Subject: FW: APPROVAL UTP

Importance: High

Attachments: US-FI AP Approval - Daily Priority.tif



JS-FI AP Approval -
Daily Prio...

- When the problem listed below is corrected, please FORWARD this email to scanning@airproducts.com. Please do not change the Subject line. Please include in the forwarded email any changes or corrections made. For example, if a new PO was issued, please include the new PO number.

SA 6: Other:40010193 address come up as Pittsburgh not Alexandria

PO Number:na

Vendor Name:'Director, United States Patent and Trademark loffice

Invoice Number:06326

APEXID:bottrh

If you have any problems or questions, please contact the Disbursements' Helpline at 610-481-5862 or email ACCTPAY@airproducts.com.

Do not send inquiries to the vendor discrepancy mailbox (VENDDISC@airproducts.com). All emails received in this mailbox will be automatically deleted without being read. There is no one monitoring this mailbox.

Thank you,

Global Disbursements' Services - A42L8

610-481-5862 Disbursements' Helpline

ACCTPAY@airproducts.com

Exhibit 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 23, 2008

WACKER POLYMERS
7201 Hamilton Blvd
Allentown, PA 18195


The U.S. Patent and Trademark Office (USPTO) Office of Finance has received your check, check # 1000016649 but does not have enough information to process the check. We are returning the check here.

Please resubmit providing the patent application number and/or the name of the inventor so that the check can be processed.

Thank you,
Tammy Le

Exhibit 3

2-22-05

| | | | |
|--|--------------------------------------|---------------------------------------|--|
| Application Number  | Application No. 10/620,654 | Applicant(s) RABASCO ET AL. | |
| | | | |

| | | |
|--|--|---|
| TERMINAL DISCLAIMER | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DISAPPROVED |
| Document Code - DISQ | This patent is subject to a Terminal Disclaimer | |
| INTERNAL DOCUMENT – DO NOT MAIL | | |

U.S. Patent and Trademark Office

Exhibit 4